ORDER RECEIVED FOR FILING
Dete
By

IN RE: DEV. PLAN HEARING & PETITION * BEFORE THE HEARING OFFICER/

FOR VARIANCE

N/S Sunnybrook Road; W of Trojan * ZONING COMMISSIONER

Horse Road

"Sunnybrook Woods"

3rd Councilmanic District Michael and Phyllis Wood Applicant/Petitioners * OF BALTIMORE COUNTY

Case No. X-188 & 97-190-A

HEARING OFFICER'S OPINION & DEVELOPMENT PLAN AND VARIANCE ORDER

This matter comes before the Zoning Commissioner/Hearing Officer as a combined hearing, pursuant to the provisions of Section 26-206 of the Baltimore County Code. The Property owners/Petitioners/Developer, Michael and Phyllis E. Wood, seek approval of the red lined development plan (Petitioners' Exhibit No. 1) for the subject site. Additionally, zoning relief is requested by Mr. and Mrs. Wood. Particularly, a Petition for Variance has been filed seeking relief from Section 413.1.E.1 of the Baltimore County Zoning Regulations (BCZR) to allow a community location sign for a subdivision to be 67 sq. ft. in area in lieu of the required 15 in an R.C.4 zone. The subject property, development plan and ft. requested zoning relief are more particularly shown on the development plan/plat to accompany the Petition for Zoning Variance, marked as Developers' Exhibit No. 1.

Appearing at the requisite public hearing held for this case were Michael A. Wood and Phyllis E. Wood, his wife. Also appearing on their behalf was Erich Schmitt, a property line surveyor, from Highland Survey Associates. Mr. Schmitt prepared the site plan. There were no Protestants or other interested persons present.

Appearing on behalf of the various Baltimore County agencies which evaluated the project were Christine Rorke, the Project Manager, Robert Bowling from the Office of Permits and Development Management (PDM), Ervín McDaniel from the Office of Planning (OP), R. Bruce Seeley from the Depart-

ment of Environmental Protection and Resource Management (DEPRM) and Colleen Kelly from Land Acquisition.

Turning first to the development plan, testimony and evidence presented was that the subject site is 33.592 acres in area zoned R.C.4. This property is located in a rural locale, adjacent to Sunnybrook Road not far from Jacksonville in northern Baltimore County. The site is presently unimproved, entirely wooded and contains numerous springheads. An examination of the vicinity map shows that neighboring properties have been subdivided into single family dwelling lots.

The Developer proposes subdivision of the property so as to create five single family dwelling lots. These lots are generally located towards the front of the property, adjacent to Sunnybrook Road. A large conservancy area will be maintained and is shown on the site plan as lot No. 3. That lot encompasses nearly the entire rear of the site and is 21.411 acres in area.

It was noted at the hearing that the project has proceeded through the development review process required by Baltimore County. That process is designed, in part, to eliminate open issues and resolve County agency requirements and concerns. Clearly, in this case, the process has worked as designed. An examination of the file shows that a Concept Plan was submitted on August 19, 1996. Thereafter a Community Input Meeting was conducted on September 19, 1996 at the Jacksonville Elementary School in Phoenix, Md. A development plan was submitted and a conference held thereon on December 18, 1996. The Hearing Officer's hearing was scheduled and conducted in its entirety on January 17, 1997.

At that Hearing Officer's hearing, Mr. Schmitt proffered on behalf of the Developer that all agency comments had been satisfied. He indicated,

ORDER RECEIVED FOR FILING
Date
By

from the Developer's perspective, that the plan was in compliance with all County requirements, regulations and policies adopted thereto.

In large part, his testimony was corroborated by the County representatives present. They unanimously indicated that the plan satisfied their concerns, but for the exception of several minor issues which are described hereinafter.

Specifically, Mr. Seeley, from DEPRM asked that the plan be amended to clearly show the front lot line for the conservancy lot (lot No. 3). The Developer indicated that such an amendment was acceptable and would be added to the plan. Other than this minor alteration, Mr. Seeley indicated that the plan complied with all DEPRM requirements.

Ms. Kelley, from Land Acquisition, indicated that the Developer needed to submit proof to the County that access to the site was available from Sunnybrook Road. Apparently, County records indicate that the property owner of the parcel on the other side of Sunnybrook Road owns the bed of that road and also an area 10 ft. wide on the north side of the road. That is, that property owner owns a narrow frontage strip which separates the road from the subject parcel.

The Developers, Mr. and Mrs. Wood, testified that they have legal access to the subject property sufficient to allow the proposed subdivision and construction of the driveway which will provide vehicular access to the five lots proposed. In order to settle this issue, I indicated at the hearing that the Developers shall submit proof of same prior to the filing of record plat. Thus, a condition of the development plan approval granted herein shall be that the Developer provide satisfactory evidence to the County of its rights of access/egress to the subject property.

Other than these two conditions, all of the County representatives present indicated that the plan was appropriate and should be approved. A

review of the development plan comments indicates that the plan is in compliance with County standards, policies and procedures. Those open issues identified in the development plan comments have been resolved by the red lined amendments which were added to the plan prior to the hearing. Thus, the development plan shall be approved.

In addition to development plan approval, the Developers also seek zoning relief as set forth above. Specifically, the Petitioners propose construction of a community identification sign on a small island area within the driveway. A schematic of the proposed sign was offered as Petitioners' Exhibits 2A and 2B. That schematic shows that the sign will be tastefully designed and is appropriate for the area. Moreover, the sign shall be set back far enough so as to not constitute a traffic hazard and will not be illuminated. Other than the area of the sign, no zoning variance relief is requested.

Based on the testimony and evidence offered in this regard, I am persuaded to grant the Petition for Variance. As observed above, the sign is appropriate for the vicinity and will surely not cause any detriment to the surrounding locale. A smaller sign would not accomplish its purpose of identifying the community, particularly in view of the rural nature of this locale. This rural nature of the property is a unique characteristic which justifies variance relief. A denial of the variance would, in my judgment, constitute a practical difficulty upon the Petitioners.

Pursuant to the development regulations of Baltimore County, as contained within Subtitle 26 of the Baltimore County Code, the advertising of the property and the public hearing thereon, I will approve the development plan consistent with the comments set forth above and shall so order.

ORDER RECEIVED FOR FILING
Date
By

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this Approved in the within case as Developer/Petitioner's Exhibit No. 1, be and is hereby Approved in accordance with the terms and conditions as set forth herein; and,

IT IS FURTHER ORDERED that the Developers shall submit proof, satisfactory to the Division of Land Acquisition, evidencing its authority to provide ingress/egress to the subject site from Sunnybrook Road; and,

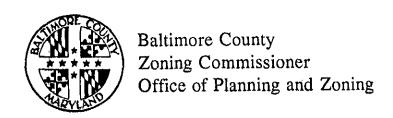
IT IS FURTHER ORDERED that a variance from Section 413.1.E.1 of the BCZR to allow a community location sign for a subdivision to be 67 sq. ft. in area in lieu of the required 15 sq. ft. in an R.C.4 zone, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Developer shall prepare and submit to Permits and Development Management (PDM), within 10 days from the date of this Order, an amended development plan which reflects and incorporates the terms, conditions, and restrictions, if any, of this opinion and Order and/or the development plan comments.

Any appeal from this decision must be taken in accordance with Section 26-209 of the Baltimore County Code and the applicable provisions of law.

LAWRENCE E. SCHMIDT Z Zoning Commissioner for Baltimore County

LES:mmn



Suite 112, Courthouse 400 Washington Avenue Towson, Maryland 21204 (410) 887-4386

January 23, 1997

Mr. and Mrs. Michael A. Wood 3900 Sweet Air Road Phoenix, Maryland 21131

RE: Development Plan Order

Case No. X-188 and 97-190-A Project: Sunnybrook Woods

Michael A. and Phyllis E. Wood, Developers/Applicants

Dear Mr. and Mrs. Wood:

Enclosed please find the decision rendered in the above captioned case. The Hearing Officer's Opinion and Development Plan Order has been approved.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours

Lawrence E. Schmidt Zoning Commissioner

LES:mmn

C: Mr. Erich Schmitt, Highland Survey Assoc. 4501 Fawn Grove Rd., Street, Md. 21154

c: Christine Rorke, Project Manager, Office of Permits and Dev. Mge.

c: Various County Agencies



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

which is presently zoned RC-4

Zipcode	Signature Physics E. Wood (Type-or effint Name) Signature
	Signature Physics E. Mood (Type-or effirit Name)
	DMILLS F. MAN
 	Signature Signature
 	Expoor Print Minnel
	Michael A Mant
	legal owner(s) of the property which is the subject of this Petition
	I/We do solemnly declare and affirm, under the penalties of perjury, that (/we are fegal owner(s) of the property which is the subject of this Petition Legal Owner(s):

Zoning Description

Beginning at a point on the north side of Sunnybrook Road which is approximately 16 feet wide at the distance of 800 feet from the centerline of the nearest intersecting street known as Merrymans Mill Road which is approximately 18 feet wide. Thence the following courses and distances:

```
N 09°56'45" E 421.23'
1.
2. S 88°35'10" E 254.50'
  N 06°33'35" W 90.17'
3.
4. N 01°31'30" E 425.14'
  N 20°59'48" W 139.28'
5.
6. N 29°38'09" W 313.06'
7. N 02°07'46" W 256.18'
8. N 29°21'31" W 89.23'
  N 87°11'39" W 897.58'
9.
10. S 02°53'29" W 714.12'
11. S 89 10 34 E 471.07
12. S 06°36'39" W 843.18'
13. S 06°09'41" E 61.20'
14. S 80°02'17" E 489.17' to the place of beginning
containing 30.291 acres more or less as recorded in
Liber SM 11669/300.
```

The description contained herein is prepared only for the use of Baltimore County in connection with a Zoning Hearing and is not to be construed as a boundary survey and does not comply with COMAR 09.13.06 and amendments thereto which concern the making of Legal Descriptions.



The Zonning Consumes and the County will be a public hearing on the property of ender the county will had a public hearing on the property of ender the County of the Coun

CERTIFICATE OF PUBLICATION

weeks, the first publication appearing on	in Towson, Baltimore County, Md., once in each of $\frac{1}{19}$ 1996.	published in THE JEFFERSONIAN, a weekly newspaper published	THIS IS TO CERTIFY, that the annexed advertisement was	TOWSON, MD., 1996	
---	--	---	--	-------------------	--

THE JEFFERSONIAN,

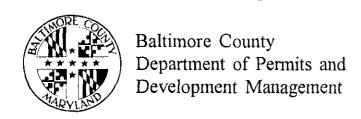
Market State Commencer of the State of the S

LEGAL AD. - TOWSON

MICROFILMED

CERTIFICATE OF OSTING

	RE: Case No.: 9/1-190-/4
	Petitioner/Developer:
	MICHAEL & PHYLISS WOOD
	Date of Hearing/Closing: 1/17/97
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention: Ms. Gwendolyn Stephens	
Ladies and Gentlemen:	
This letter is to certify under the penalties of perwere posted conspicuously on the property loc 13925 Sunni	
The sign(s) were posted on	111.191
The digitaly were posted on	(Month, Day, Year)
and the second s	Sincerely,
	(Signature of Sign Poster and Date)
ZOVINO NOTICE	(Printed Name)
AAA.	904 DELLIOOD DIR. (Address)
	(City, State, Zip Code)
	(City, State, Zip Code) (410) 879.3122
	(Telephone Number)
25 SUNNYBROOK RO.	
POSTERO 12/16/37	PDM



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

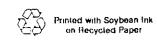
Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR
For newspaper advertising:
Item No.: 190
Petitioner: MICHAEL TPHYLLIS E. WOOD.
Location: 13925 Sunny Brook RD.
PLEASE FORWARD ADVERTISING BILL TO:
NAME: HIGHLAND SURVEY
ADDRESS: 4501 FAWN GROVE JOD.
PHONE NUMBER: 836-1238
AJ:ggs (Revised 09/24/96)



MODELMED

190

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.:

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

	E:
	TO ALCOW A Community LOCATION
SIGN	FOR A SUBDIVISION - TO BE 6750
IN An	LOA IN LIEW OF THE REQUIRED 155
IN Pon	J RC4 70NE.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

9/96 post.4.doc

190.

DEN DEN STEEN

TO: PUTUXENT PUBLISHING COMPANY
December 19, 1996 Issue - Jeffersonian

Please foward billing to:

Highland Survey 4501 Fawn Grove Road Street, MD 21154 836-1238

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore
County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

OJ.

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-190-A (Item 190)

13925 Sunnybrook Road

N/S Sunnybrook Road, 800' NW of Merrymans Mill Road

10th Election District - 3rd Councilmanic

Legal Owner(s): Michael A. Wood and Phyllis E. Wood

Variance to allow a community location sign for a subdivision to be 67 square feet in area in lieu of the required 15 square feet.

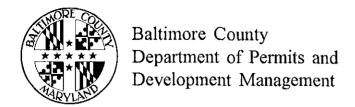
HEARING: FRIDAY, JANUARY 17, 1986 at 9:00 a.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.





Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

December 9, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-190-A (Item 190)

13925 Sunnybrook Road

N/S Sunnybrook Road, 800' NW of Merrymans Mill Road

10th Election District - 3rd Councilmanic

Legal Owner(s): Michael A. Wood and Phyllis E. Wood

Variance to allow a community location sign for a subdivision to be 67 square feet in area in lieu of the required 15 square feet.

HEARING: FRIDAY, JANUARY 17, 1996 at 9:00 a.m. in Room 106, County Office Building.

1997

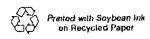
Arnold Jablon Director

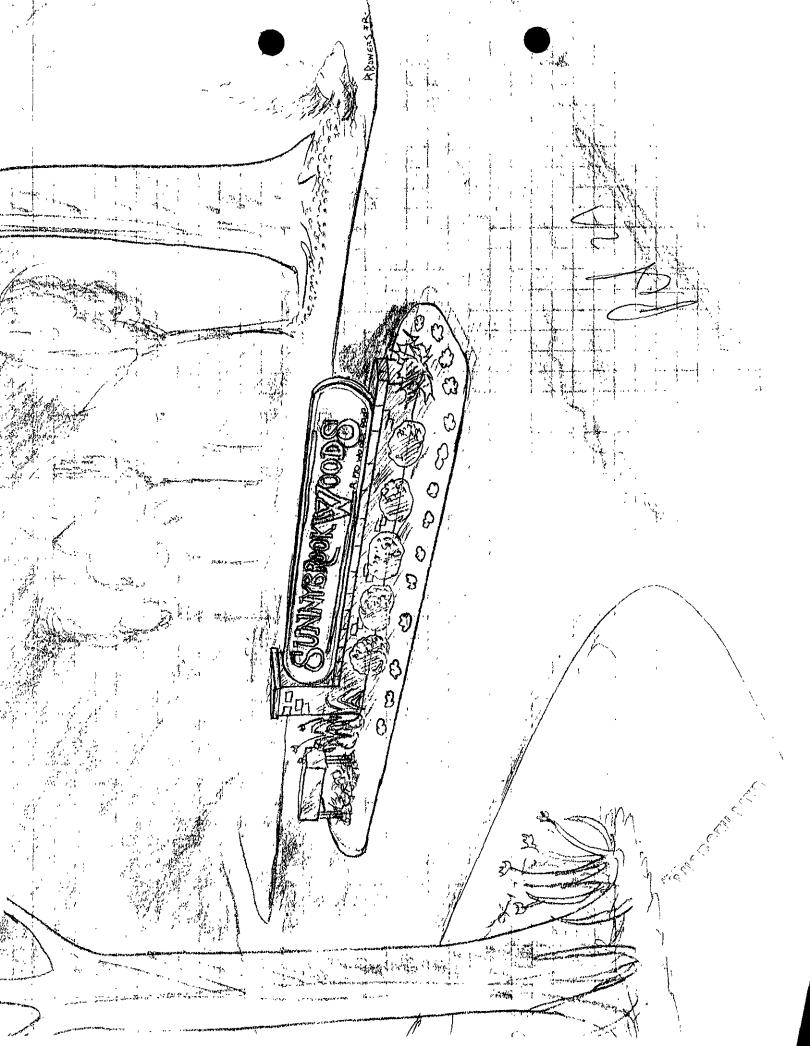
cc:

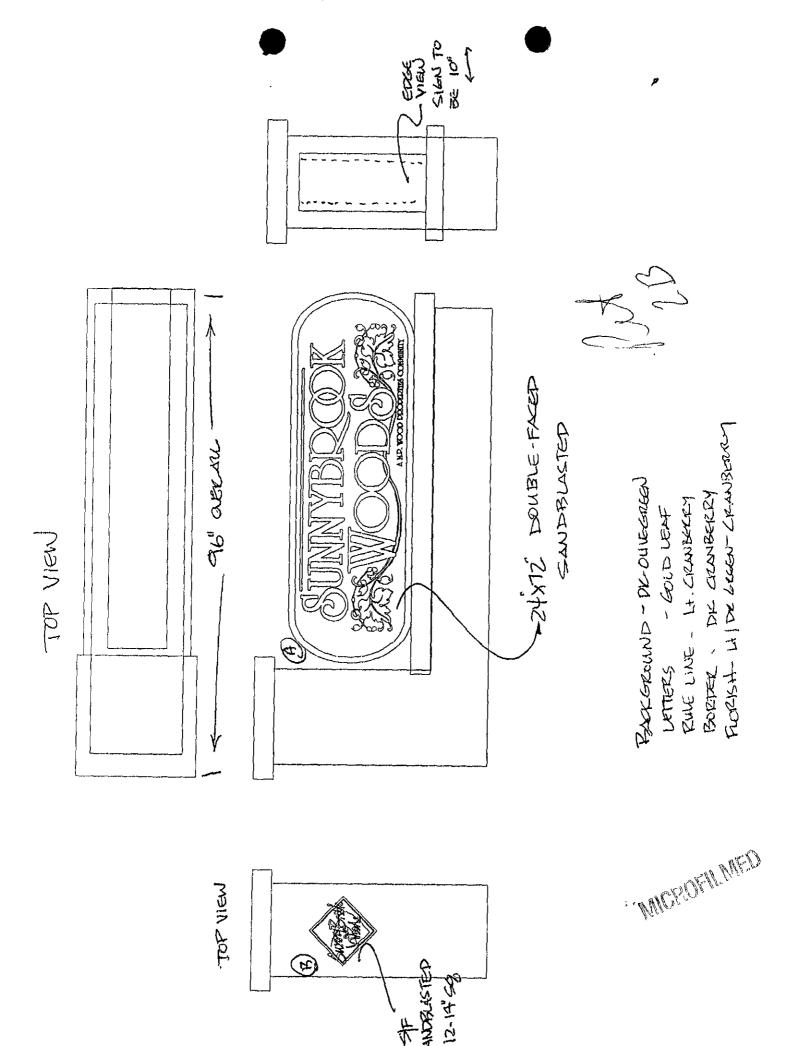
Michael and Phyllis Wood Erich Schmidt/Highland Survey

- NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY NOVEMBER 7, 1996.
 - (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
 - (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.









PLEASE PRINT CLEARLY

CHRISTINE

NAME

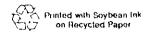
COUNTY PETITIONER(S) SIGN-IN SHEET

1/17/97

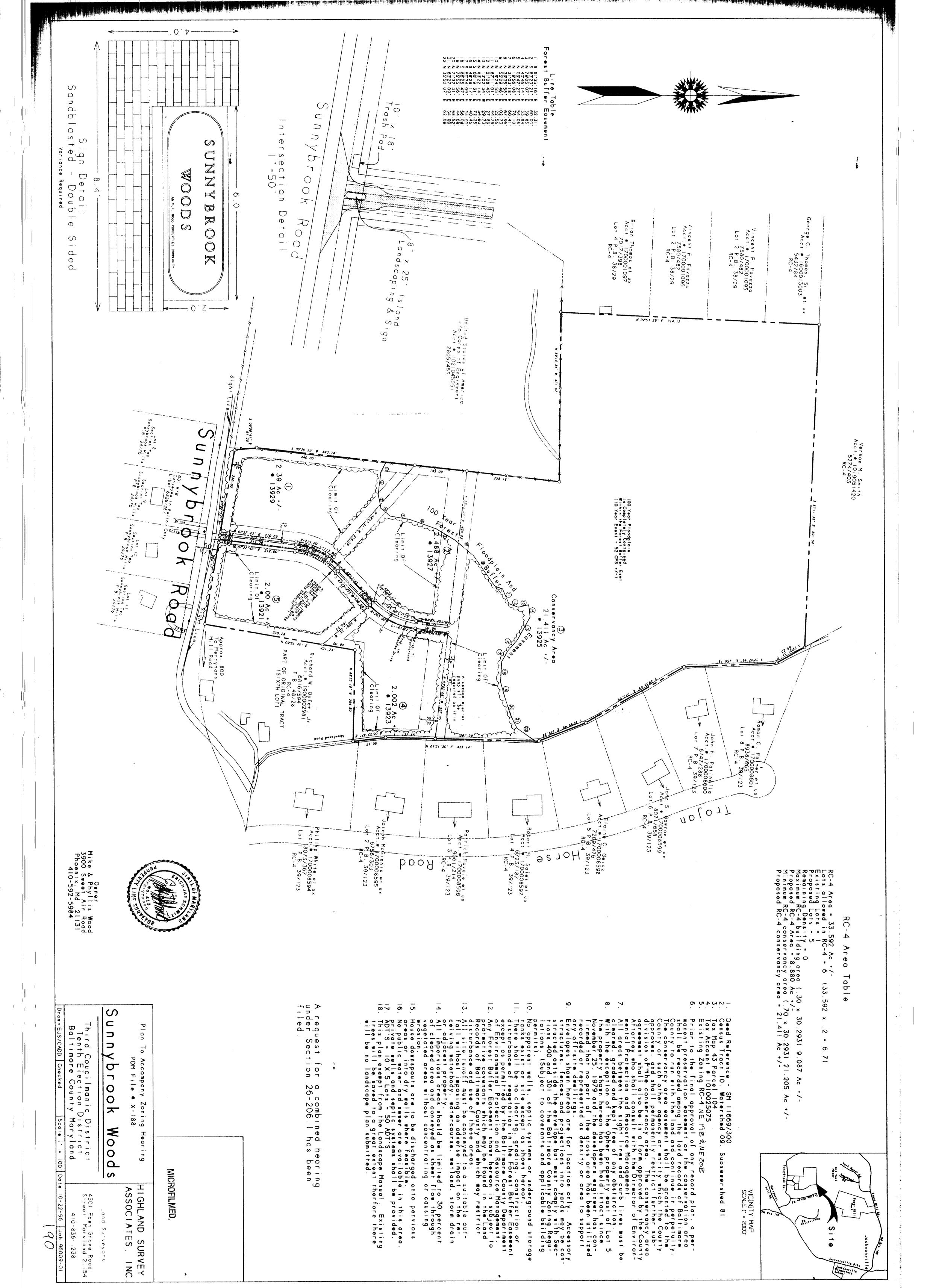
ADDRESS PDM - DM 11

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Michael A. & Phyllis E. Wood	3900 Sweet Air Road, Prognic 21131
Erich Schmitt-Highland Survey Assoc.	4501 Fawn Grove Pd. Street MD 211
,	
- The state of the	PROGRAMMENT, page 1944 to appear to the contract of the contra



MICROFILMED



This document was created with the trial version of Print2PDF!

Once Print2PDF is registered, this message will disappear!

Purchase Print2PDF at http://www.software602.com/

